

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

2013 MAY -2 AM 11:40

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARWIN HUGGANS,

Defendant.

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Cause No. 4:13 CV00323 CDP

AFFIDAVIT OF FRANK R. FABBRI

I, FRANK R. FABBRI, being first duly sworn, states, as follows:

1. My name is Frank R. Fabbri and I am drafting this Affidavit upon request of the Government.

2. I was an attorney licensed to practice law in Missouri from September 1971 to November 20, 2007. I specialized in criminal defense law and during that time personally represented over 5,000 clients before federal and state courts, commissions, boards, agencies, divisions, military courts, tribunals, as well as the U.S. Olympic Committee and two (2) of their governing bodies. I personally briefed and argued over 15 cases before the 7th and 8th Circuits and represented over 275 clients in U.S. District Courts.

3. I plead guilty on May 30, 2007 in the U.S. District Court for the Southern District of Illinois to the felony charge of Failure to File IRS Form 8300 [Currency Transaction Report] on or about November 10, 2004. While I had heard rumors of an investigation of that matter over the years, the first formal notice I had that the IRS and U.S. Attorney's Office for the Southern District of Illinois were serious about the matter was by a formal announcement of an active investigation of me by an Assistant U.S. Attorney for the U.S. District Court for the Southern District of Illinois in open court in the case of US v. Byron Blake, 3:09 CV00555 GPM on December 20, 2006. That government counsel moved to be substituted in the Blake case and sometime in early 2007 a Special Assistant U.S. Attorney from the Central District of Illinois proceeded to announce her

Ex. 1

prosecution of the matter. To my knowledge, at no time did any member of the Office of the U.S. Attorney, Eastern District of Missouri know, or have any access to or reason to know, the clandestine and delayed prosecution of me in the U.S. District Court for the Southern District of Illinois by an Assistant U.S. Attorney from the U.S. District Court for the Central District of Illinois in Urbana, Illinois.

4. I was sentenced in the U.S. District Court for the Southern District of Illinois on October 9, 2007 to a term of eighteen (18) months and voluntarily surrendered to USP Leavenworth on December 17, 2007. I was released from FPC Leavenworth to the Residential Reentry Center [RRC] in Saint Louis on October 2, 2008 and was placed on Home Confinement by the RRC on or about January 29, 2009.

5. Darwin Huggans was not my client in 4:07 CR#00541 CDP. While I believe I had represented Huggans' daughter some years before 2007 in a disciplinary appeal before the Saint Louis Board of Education, I was never privy to the facts and circumstances of Huggans' arrest nor to the prosecution of his case. I rarely saw Huggans and politely declined to review the law that he and/or his paralegal "Grady" had found at the 8th Circuit Library. I was never present at any meetings Huggans had with his counsel. In reality, I had a client at that time who apparently had a social conflict with Huggans and whom Huggans disfavored so confidentialities regarding Huggans' situation were understood to neither be given nor be accepted by either client or counsel.

6. Darwin Huggans was arrested upon his Indictment in 4:07 CR00541 CDP one (1) week after I was sentenced in my federal felony. While we were sympathetic to each other's situation, we did not confide in each other about the particulars of his case. In fact, I never knew he was really called "Mark". Huggans' bond was revoked shortly after the 2008 holidays and three (3) weeks after my daytime work release from the RRC to the Zotos office. I never consulted with Huggans during that time and could not and would not give legal advice to him anyway. I was also not present at or during the Huggans trial.

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7. I represented Mario Lucas from November 20, 2006 to October 1, 2007 in this District as a Co-Defendant to Robert Wood III and others in 4:06 CR00594 JCH.

8. That, upon review of the disclosure provided to Defendant Lucas by the Government, Lucas (and his counsel) became very irritated about the fact that “mastermind” Robert Wood III had again agreed to cooperate and receive a mere ten (10) year deal for testifying against him and the others. [Woods and Lucas had known each other for years and this was the fourth time Wood was the operative cause of Lucas’ problems.] Lucas agreed to provide a “retaliation proffer” to the DEA because Lucas knew that Wood was selectively hiding assets and information from the government and was providing misinformation as well as inflating Lucas’ role in the Wood conspiracy. Because the Assistant U.S. Attorney had been injured in a motorcycle accident, the proffer was “Agency Driven.” At no time did I ever even mention Huggans to be a subject for any proffer or other discussion and, in fact, as previously stated, did not even know Huggans as “Mark” or that Mooney [Lucas] knew “Mark.”. Never did I suggest or mention Huggans’ name(s) to Lucas for any reason. I admit, I was (and am still) irate about the Wood “giveaway deal” to testify against a childhood friend but that salving that irritation was the main focus with regard to the single proffer.

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9. I represented Robin P. Randle in This U.S. District Court from October 5, 2006 to December 13, 2006 in 4:06 CR00645 SNL.

10. I did not meet or represent Robin Randle until October 5, 2006 although he apparently had been a former client of my law firm partner, Nick A. Zotos. I met him at and after an Initial Appearance in 4:06-mj-00201 DDN. He had been charged with Possession with Intent to Distribute Cocaine after being allegedly found to possess some \$3,800, three (3) cellular phones and 600 grams of powder cocaine in a car stop in Northwoods, Missouri.

11. I was aware when I met Randle that Zotos had responded to Northwoods upon Randle’s arrest and confronted a “rookie” FBI Special Agent B_ _ _ _ who had already talked with

Randle about "cooperation." After Zotos arrived, there was no "cooperation."

12. That during the course of my representation it was Randle who kept pushing me to find out the "least he could get in the least time." It was Randle who demanded that I quickly find the least he could get if he "cooperated". At his urging, I met with the Supervisory AUSA and the "Case" AUSA about his request. However, never did I ask what special and mysterious information Randle could provide. In my experience, it was, to say the least, unusual that a federal defendant would ask me to urge the Government to "blindly" commit to tell him the least he could get without, at the least, providing even some hint of his assistance information. The two (2) AUSA's said, as I expected, that without a proffer, there were no estimates or predictions to discuss.

13. Thereafter Randle became scheming and expressed his desire to concoct and to perjure.

14. I filed a Motion to Withdraw for the firm and its counsel on December 11, 2006 and it was sustained after a magistrate hearing on December 13, 2006.

15. At no time during my representation of Defendant Randle did I even know that he knew Darwin Huggans.

16. At a later jury trial in the Randle case (as I was later informed upon my RRC release), Randle testified that he got his dope in Chicago anyway and that it was for his personal use.

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17. I do not know a person named Joshua Emerson.

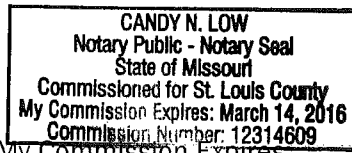
WHEREFORE, I submit this Affidavit and affirm that the facts stated herein are true and correct to the best of my knowledge and belief.

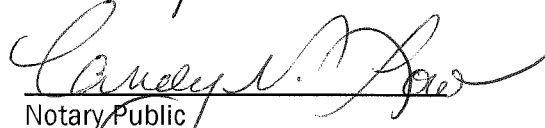
Dated: 4-30-13


Frank R. Fabbri

STATE OF MISSOURI)
) SS
CITY OF SAINT LOUIS)

Subscribed and sworn to before me this 30th day of April, 2013.




Notary Public